

### **REMARKS**

Claims 1-22 and 26-27 have been canceled, to advance prosecution.

The additional claims 32-56 are similar in form to claims 70-95 allowed by the present Examiner in the parent application Serial No. 09/566,266, with claims 66-69 of the parent application Serial No. 09/566,266 which define HCV E2 envelope peptides.

Claims 23-25 and 28-56 are pending and are submitted to define a single invention. Examination of all of the pending claims would not be an undue burden on the Examiner as claims of a similar form were examined by the present Examiner in the parent application, presumably without an undue burden.

The applicants note in this regard that all of the pending claims define the common invention relating to E1 peptides and methods of making and using the same, such as methods of making HCV E1 peptides, methods of using E1 peptides and methods of immunizing humans, diagnostic methods and bioassays of identifying modulators using the same. Moreover, the applicants again submit, with due respect, that the examination of all the claimed subject matter would not place an undue burden on the Examiner.

The applicants elect, with traverse, the subject matter of the Examiner's Group I for further prosecution in the above.

In the event the Examiner refuses to withdraw the restriction requirement as requested above, the Examiner is requested to rejoin the subject matter of Groups III, VI and VII, as well as the additionally-added method claims above, once allowable product claims are identified, and allow the applicants the opportunity to amend the method

claims, as may be required to expedite rejoinder and allowance, as provided for in the Commissioner's Notice published at 1184 OG 86 on March 26, 1996.

Reconsideration and withdrawal of the restriction requirement with respect to the subject matter of the Examiner's Groups I and III, and Groups V and VII is requested as the Examiner has admitted that the subject matter of these combinations of Groups have not been recognized as obtaining a separate status, requiring separate classification, in the Patent Office manual of classification. Accordingly, the Examiner has admitted that a separate search of this subject matter will not be required. The applicants further note in this regard that a thorough search must presumably include examination of more than one Class and subclass of subject matter to reasonably assure patentability.

As noted above, the applicants believe the subject matter of all the pending claims should be examined together, consistent with the Examiner's examination in the parent application.

Reconsideration and withdrawal of the restriction requirement are requested.

The applicants elect, with traverse and for purposes of initial search only, SEQ ID NO:15. All the pending claims read on the elected subject matter. The Examiner is requested however to search the complete breadth of the pending claims and withdraw the requirement for a species election. The applicants again note that the parent application includes allowed claims which read on multiple sequences.

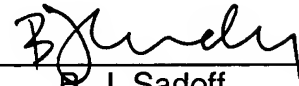
MAERTENS et al.  
Appl. No. 10/685,435  
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An early and favorable action on the merits of all the claimed subject matter is requested.

Respectfully submitted,

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By: \_\_\_\_\_



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